



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५२]

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असाधारण क्रमांक १०९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि
विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2015 (Mah. Ord. XIX of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2015 (Mah. Ord. XIX of 2015), published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT
Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 5th October 2015.

MAHARASHTRA ORDINANCE No. XIX OF 2015.

AN ORDINANCE

further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that

CHAPTER I

PRELIMINARY

Short title
and
commencement.

1. (1) This Ordinance may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

CHAPTER II

AMENDMENT TO MUMBAI MUNICIPAL CORPORATION ACT.

Amendment
of section 16
of III of 1888.

2. In section 16 of the Mumbai Municipal Corporation Act, after sub- III of section (1A), the following sub-sections shall be inserted, namely :— 1888.

“(1B)(a) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 18 or, as the case may be, section 33, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, a Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as “a reserved category”) on the basis of false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

(b) Such period of disqualification shall be computed with effect from the date of passing such order by the concerned authority.

(1C) (a) Notwithstanding anything contained in sub-section (1B), a Councillor who has been elected to a reserved seat as mentioned in sub-section (1B), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (1) of section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other

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XXIII of
2001.

Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 or any other Competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the

3. In section 16 of the Maharashtra Municipal Corporations Act, after 1949. sub-section (1A), the following sub-sections shall be inserted, namely :—

Amendment of section 10 of LIX of 1949.

“(1B) (a) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 12 or, as the case may be, section 16, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, a Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as “a reserved category”) on the basis of false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

(b) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority.

(1C) (a) Notwithstanding anything contained in sub-section (1B), a Councillor who has been elected to a reserved seat as mentioned in sub-section (1B), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (1) of section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 or any other Competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the Competent Authority.

(b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order. ”.

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL of 1965.

4. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (1A), the following sub-sections shall be inserted, namely :—

Amendment of section 16 of Mah. XL of 1965.

“(1B) (a) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under

a Councillor who has been elected to a reserved seat as mentioned in sub-section (1B), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (1) of section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 or any other Competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the Competent Authority.

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XXIII of
2001.

(b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order.”.

CHAPTER V

MISCELLANEOUS

Power to
remove
difficulty.

5. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Ordinance, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

III of
1888.
LIX of
1949.
Mah. XL
of 1965.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), every person desirous of contesting the election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, along with the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).

2. On receiving the number of representations from the public and prospective candidates that they would be deprived of the opportunity to contest the general and bye-elections to the Municipal Corporations and Municipal Councils for which the last date of filing of nominations falls on or before the 31st December 2017, the said municipal laws have been amended by Mah. XIII of 2015, with a view to allow the persons desirous of contesting elections for reserved seats for Councillors and who have applied to the Scrutiny Committee for obtaining Validity Certificate to submit, at the time of filing the nomination, an undertaking that they shall submit the Validity Certificate within six months from the date on which they are declared elected. It is also provided that, if the person fails to produce the Validity Certificate within a period of six months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.

3. It is observed that the said provisions are likely to cause injustice to the bonafide candidates from the reserved category. In order to deter the bogus candidates from contesting for the reserved seats, it is proposed to incorporate suitable provisions in the said municipal laws with a view to disqualify such person for being a Councillor or for contesting an election for being elected as a Councillor, for a period of six years, upon his Caste Certificate being declared invalid by the Scrutiny Committee.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 5th October 2015.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,